

# House File 343 - Introduced

HOUSE FILE 343

BY FRY

## A BILL FOR

- 1 An Act relating to placement of a child removed from the home
- 2 and adoption of a child by a relative.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 600.8, subsection 12, Code 2013, is  
2 amended to read as follows:

3 12. Any investigation and report required under subsection  
4 1 may be waived by the juvenile court or court if the  
5 adoption petitioner is related within the fourth degree of  
6 consanguinity to the person to be adopted, and shall be waived  
7 by the juvenile court or court if the adoption petitioner is  
8 a grandparent, aunt, uncle, or adult sibling of the person  
9 to be adopted. However, if an adoption petitioner discloses  
10 a criminal conviction or deferred judgment for an offense  
11 other than a simple misdemeanor or founded child abuse report  
12 pursuant to section 600.5, the petitioner shall notify the  
13 court of the inclusion of this information in the petition  
14 prior to the final adoption hearing, and the court shall make a  
15 specific ruling regarding whether to waive any investigation or  
16 report required under subsection 1.

17 Sec. 2. PLACEMENT OF CHILDREN WITH RELATIVES — REVIEW AND  
18 RECOMMENDATIONS.

19 1. The department of human services shall conduct a  
20 comprehensive examination of current child protection policies  
21 and procedures and evaluate possible changes that can be made  
22 to those policies and procedures in order to recommend uniform  
23 statewide policies and procedures that provide for placements  
24 of children with a family member if a family member so desires,  
25 upon removal of a child from the child's home pursuant to a  
26 provision in chapter 232, division III, or a rule adopted  
27 pursuant to that division.

28 2. The department shall make recommendations relating to  
29 the following: the requirements and procedures necessary to  
30 allow placement of a child with a family member when the family  
31 member is not certified or licensed to provide child foster  
32 care or preadoptive care; the procedure for assisting a family  
33 member who accepts placement of a child in becoming licensed  
34 to provide child foster care; the requirements, policy, and  
35 procedure necessary to transition a child from a foster care

1 or shelter care placement to placement with a family member;  
 2 a policy and procedure to enhance or change the subsidized  
 3 guardianship process which allows for placements of children  
 4 with family members; the requirements, procedure, and a list  
 5 of the clear and convincing bases under which the department  
 6 could determine that a child should not be placed with a  
 7 family member who is willing to accept the placement; and  
 8 other policies and procedures the department deems relevant  
 9 in increasing the number of placements of children with  
 10 family members. In drafting recommendations, the department  
 11 shall consider placement of a child with a family member  
 12 as preferential in all child in need of assistance removal  
 13 situations.

14 3. For purposes of this section, "family member" means  
 15 a grandparent, aunt, uncle, adult sibling, or adult relative  
 16 suggested by the child's parents.

17 4. The department shall, by December 1, 2013, submit a  
 18 report of its review including findings and recommendations to  
 19 the governor and the general assembly.

20 EXPLANATION

21 This bill relates to the placement of a child removed from  
 22 the home and the adoption of a child by a relative.

23 The bill provides that the juvenile court or court must waive  
 24 the requirement of a preplacement investigation and report,  
 25 a postplacement investigation and report, and a background  
 26 information investigation and report in adoption proceedings if  
 27 the adoption petitioner is a grandparent, aunt, uncle, or adult  
 28 sibling of the person to be adopted. The adoption petitioner  
 29 would still be required to notify the court of a child abuse  
 30 report, or a criminal conviction or deferred judgment for an  
 31 offense other than a simple misdemeanor in the petition.

32 The bill requires the department of human services to  
 33 conduct an examination of child protection policies and  
 34 procedures and possible changes to those policies and  
 35 procedures in order to recommend uniform statewide policies

1 and procedures which provide for placements of children  
2 with family members, if a family member so desires, upon the  
3 child's removal from the home pursuant to children in need of  
4 assistance proceedings. For purposes of the bill, a "family  
5 member" means a grandparent, aunt, uncle, adult sibling, or  
6 adult relative suggested by the child's parents. The bill  
7 lists several topics that the department's recommendations must  
8 address. The bill requires the department of human services to  
9 submit a report with its findings and recommendations to the  
10 governor and the general assembly by December 1, 2013.